

State Supreme Court allowing in-person hearings, jury trials to resume

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The state Supreme Court is allowing in-person hearings and jury trials to resume, but only after circuit courts prepare a safety plan on how to operate that “reduces to the greatest extent possible” the risk of transmitting COVID-19.

In several orders issued Friday, the justices directed circuit courts to submit those operational plans to the chief judge in each judicial district for approval before beginning in-person proceedings and jury trials.

Among other things, the plans must mandate “that all persons who are present in courtrooms, jury rooms, and other court-related confined spaces shall wear face coverings.” The order includes an exception if a judge determines it’s necessary for a witness not to wear one during testimony “in order for the judge or jury to weigh the witness’s credibility.”

On March 22, the court issued an order suspending all jury trials and in-person court hearings for two months. Friday’s orders laid down requirements before they could resume.

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Justice Rebecca Bradley, joined by fellow conservative Daniel Kelly, dissented from the March 22 order, arguing it violated the right to a speedy trial. She again dissented on the court’s latest order, arguing circuit court judges have now had two months to evaluate how to safely conduct jury trials and other proceedings and the issue should be left to them to decide.

“The court’s latest order continues to indefinitely suspend criminal and civil jury

trials, with no consideration of the constitutional or statutory rights of litigants,” wrote Bradley, who was again joined by Kelly.

Conservative justices Brian Hagedorn and Annette Ziegler joined the majority ruling but said they would have preferred the order “provide even more flexibility to determine the safety procedures that are best in those counties.”

See the orders:

<https://www.wicourts.gov/news/docs/jurytrials.pdf>

<https://www.wicourts.gov/news/docs/remotooathshearingaccourt.pdf>

<https://www.wicourts.gov/news/docs/taskforcefinalreport.pdf>